

EXHIBIT C



Hunters Creek Village, Texas Code of Ordinances Sec. 44-1

CODE OF ORDINANCES City of HUNTERS CREEK VILLAGE, TEXAS Codified through Ordinance No. 2022-919,
adopted January 25, 2022. (Supp. No. 17)

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> Chapter 44 - ZONING > ARTICLE I. IN GENERAL***

§ Sec. 44-1 Short title.

This chapter shall be known and may be cited as "The City of Hunters Creek Village zoning chapter."

HISTORY NOTE:

(Ord. No. 340, 1, 5-20-1980)

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Hunters Creek Village, Texas Code of Ordinances Sec. 44-2

CODE OF ORDINANCES City of HUNTERS CREEK VILLAGE, TEXAS Codified through Ordinance No. 2022-919,
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§ Sec. 44-2 Definitions.

(a) *Construction.* For the purpose of this chapter, certain words and terms are hereby defined. Words used in the present tense shall include the future tense; the singular number shall include the plural number and the plural number shall include the singular number. The word "building" shall include the meaning of the word "structure"; the word "lot" shall include the meaning of the word "plot", and the term "used for" shall include the meaning of the terms "designed for" or "intended for." The word "shall" is mandatory, not directive.

(b) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory structure means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Automobile shelter means a garage or carport so situated on a lot that unobstructed access for a standard size automobile is afforded by a driveway connecting such garage or carport to the street on which such lot abuts.

Breezeway means a roofed outdoor passage at ground level between a house and a garage that is: a) 16 feet or less in height as measured from finished floor of the garage to the highest point of the breezeway's roof; and b) if it has a ceiling and roof structure that is enclosed, the enclosed area is four feet or less in height, as measured from the bottom of the ceiling joist to the top of the rafter or ridge board, or from the bottom of the bottom chord, to the top of the top chord of a truss.

Building means any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

Building area means the area covered by all building and the surface of any tennis court, paddle court or other type of game court, but excluding driveways, walkways and uncovered patios.

Building, height, of means the vertical distance as measured from the top of slab to the highest point of the roof of a building, excluding chimneys.

Building line means a line parallel or approximately parallel to the street line or lot line beyond which buildings may not be erected.

Carport means a sheltered space with three sides screening its contents from view and suitable for parking one or more motor vehicles.

Dwelling means the same as single-family dwelling.

Dwelling, single-family, means a detached residential dwelling, other than a mobile home or trailer or any structure converted from a mobile home or trailer, designed and used exclusively for residential occupancy and having accommodations for and occupied by only one family and no portion of which may be used for the conduct of a business, trade or profession.

Sec. 44-2 Definitions.

Family means one or more persons related by blood, adoption or marriage, living together as a single housekeeping unit. A number of persons not exceeding two living together as a single housekeeping unit though not related by blood, adoption or marriage shall be deemed to constitute a family.

Garage means a sheltered space with an operable door or doors plus three sides screening its contents from view and suitable for parking one or more motor vehicles.

Lot means a parcel of land of at least sufficient size to meet minimum applicable requirements for use, coverage, area and parking, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public street or on an existing approved private street.

Lot, depth of, refers to the mean horizontal distance between the front and rear lot lines.

Lot, width of, means the distance between side lot lines as measured at the front building line.

Nonconforming use, building, structure or yard means a use, building, structure or yard existing legally at the time of the passage of the ordinance from which this chapter is derived or of any amendment thereto, which by reason of design or use does not conform with the regulations of the district in which it is situated.

Porte cochere means a roofed structure, open on three sides and extending from an entrance to a building over an adjacent driveway for the purpose of sheltering those entering or exiting vehicles.

Private recreation club means an entity which provides indoor and outdoor facilities and equipment for sports and recreation, including but not limited to, tennis courts, pools, saunas, and other facilities and equipment associated with fitness and training, including accessory buildings and structures, restricted to private membership, and situated on a site consisting of a minimum of 25 contiguous acres.

Servants' quarters means an accessory building or portion of a main building located on the same lot as the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.

Service area means a loading area or trash pick-up area.

Sexually oriented business shall have the same meaning as "sexually oriented business" as that term is defined in V.T.C.A., Local Government Code ch. 243, and shall include but not be limited to an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult tanning salon, adult theater, escort agency, nude modeling studio, sexual encounter center or any other commercial enterprise, the primary business of which is the offering of a service or the selling, renting or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer. Such uses shall be allowed only as specifically authorized under the terms of this chapter. The determination of what constitutes a sexually oriented business shall be made by the police chief or his designee, and such determination shall be appealable to the zoning board of adjustment.

Sign, on-site, refers to a sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises.

Special exception means a use that would not be appropriate generally or without restriction throughout the zoning district but would, if controlled as to number, area, location or relation to the neighborhood, promote the property held, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in a zoning district as special exceptions, only if specific provision for such special exception is made in this chapter.

Street means a public or private thoroughfare which affords a principal means of access to abutting property.

Street line means the right-of-way line of a street.

Structure means anything constructed or erected which: (i) requires permanent location on the ground; or (ii) is attached to something having a permanent location on the ground; or (iii) has a roof or cover (whether of metal, wood, canvas or other material) that is impermeable to the sun or rain, including but not limited to signs, billboards, poster panels, swimming pools, trampolines, batting cages, umbrellas, playhouses, play forts, swing sets, sheds, gazebos, pergolas, trellises, tennis courts, paddle courts or game-type courts. Yard lights, bird baths, flagpoles, basketball goals, fountains and similar items are not considered as structures herein.

Sec. 44-2 Definitions.

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, because of conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship.

Yard means an open space at grade between a building and the adjoining lot lines or street right-of-way line, unoccupied and unobstructed by any portion of a structure from the ground upward, except for signs in compliance with section 44-157(3), detached garages in compliance with section 44-161 (2)(a), accessory structures not attached to the dwelling in compliance with section 44-162, dish antennas in compliance with section 44-164, emergency electric generators in compliance with section 44-166 and fences in compliance with section 44-163. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the edge of the structure or main building shall be used. For the purpose of such measurement, the eave line of a roof may project a maximum of 30 inches into the required yards.

Yard, front, means a yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street right-of-way line and the main building.

Yard, rear, means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, uncovered patios and decks that do not exceed one foot in height above finished grade, or unenclosed and uncovered balconies not more than four feet in depth, supported only by the main building with no additional independent supports. On all lots, the rear yard shall be to the rear of the front yard.

Yard, side, means a yard between the main building and the adjacent side line of the lot and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between an adjacent side lot line and any edge or face of the main building.

HISTORY NOTE:

(Ord. No. 340, 19, 5-20-1980; Ord. No. 446, 1, 9-13-1989; Ord. No. 553, 3-16-1999; Ord. No. 583, 3-20-2001; Ord. No. 637, 1, 12-21-2004; Ord. No. 657, 1, 2-21-2006; Ord. No. 665, 1, 4-18-2006; Ord. No. 2018-884, 2, 2-27-2018; Ord. No. 2018-887, 1, 5-22-2018; Ord. No. 2021-915, 1, 4-27-2021)

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Hunters Creek Village, Texas Code of Ordinances Sec. 44-4

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§ Sec. 44-4 Interpretation, purpose and conflict.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes greater restrictions including but not limited to those upon the use of buildings or premises or upon height of buildings than are imposed by other ordinances, rules, regulations or by easements, covenants or agreements, the provision of this chapter shall govern.

HISTORY NOTE:

(Ord. No. 340, 21, 5-20-1980)

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Hunters Creek Village, Texas Code of Ordinances Sec. 44-125

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§ Sec. 44-125 Establishment of districts.

The city is hereby divided into two districts:

- (1) District R single-family residential district.
- (2) District B business district.

HISTORY NOTE:

(Ord. No. 340, 2, 5-20-1980)

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Hunters Creek Village, Texas Code of Ordinances Sec. 44-126

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§ Sec. 44-126 Official zoning map.

- (a) The boundaries of the two districts of the city are defined and established as depicted on the map entitled, "Official Zoning Map of the City of Hunters Creek Village, Texas" which is an integral part of this chapter. The official zoning map shall be identified by the signature of the mayor, attested by the city secretary, and bear the following: "This is to certify that this is the official zoning map of the City of Hunters Creek Village, Texas adopted on the 20th day of May, 1980." If in accordance with the provisions of this chapter, changes are made in district boundaries or other matters portrayed on the official zoning map, such changes shall be made to the official zoning map after amendment has been approved by the city council, together with an entry on the official zoning map as follows: "On ____ day of _____, __, by official action of the city council of the City of Hunters Creek Village, the following change(s) were made: (brief description with reference number for amending ordinance)."
- (b) The official zoning map shall be maintained and kept up-to-date in the office of the city secretary, shall be accessible to the public, and shall be the final authority as to the current zoning status of properties in the city, except to the extent it fails to record a change implemented by a validly enacted ordinance. If the official zoning map becomes damaged, destroyed, lost, obsolete or difficult to interpret because of the nature of number of changes made thereto, the city council may, by ordinance, adopt a new official zoning map which shall supersede the prior official zoning map. The revised zoning map, shall be identified by the signature of the mayor, attested by the city secretary and bear the seal of the city under the following words: "This is to certify that this is the official zoning map referred to in the ordinance of the City of Hunters Creek Village, adopted on ____ day of _____, __, which replaces and supersedes the official zoning map which was adopted on May 20, 1980."



Hunters Creek Village, Texas Code of Ordinances Sec. 44-128

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§ Sec. 44-128 Compliance with the regulations.

Compliance to the following regulations are required, except as hereinafter specifically provided:

- (1) No land shall be used except for a purpose permitted in the district in which it is located.
- (2) No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.
- (3) No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which such building is located.
- (4) No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which such building is located.
- (5) No building shall be erected or structurally altered to the extent specifically provided for herein except in conformity with the off-street parking and loading provisions for the district in which such building is located.
- (6) The minimum yards, parking spaces and open spaces, including lot area per family, required by this chapter for each and every building existing at the time of passage of this chapter or for any building hereafter erected shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building, nor shall any lot area be reduced below the requirements of this chapter for the district in which such lot is located.
- (7) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and, except as hereinafter provided, there shall not be more than one main building on one lot.

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Hunters Creek Village, Texas Code of Ordinances Sec. 44-157

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SINGLE-FAMILY RESIDENTIAL DISTRICT***

§ Sec. 44-157 Use regulations.

Buildings and premises in district R shall be used for the following purposes:

- (1) Single-family dwellings.
- (2) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
- (3) Accessory buildings and other structures customarily incident to the above uses, located on the same lot or tract, and, except as provided below, not involving the conduct of a business, trade or profession. No billboard, signboard, advertising sign or any other form of posted notice shall be permitted as an accessory use, except as provided below.
 - a. No billboard, signboard, advertising sign, or other form of posted notice shall be located upon a city street or right-of-way.
 - b. No billboard, signboard, advertising sign, or other form of posted notice shall be illuminated or contain any moving parts, except as specifically provided below.
 - c. A billboard, signboard, advertising sign or any other form of posted notice that is permitted as provided below may be single or double-faced.
 - d. The following signs shall be permitted.
 1. *Real estate signs.* A single "for sale" or "for lease" sign may be displayed on the lot or tract to which the sign refers. No sign face shall exceed six square feet in area, and the sign, including any part of its structure, shall not exceed five feet in height.
 2. *Contractor signs.* A single sign containing information on a contractor that is currently performing work on a lot or tract may be displayed on the lot or tract where the work is being performed. No sign face shall exceed six square feet in area, and the sign shall be removed immediately upon completion of the work.
 3. *Institutional signs.* Churches and other institutions may display one or more signs containing information on the church or institution's name, and the activities and services provided on the premises where the signs are displayed. No sign face shall exceed eight square feet in area. The signs may be illuminated, provided that the intensity and direction of the illumination is reasonably controlled to avoid undue interference with the use of neighboring residential properties. Larger signs may be allowed only by specific use permit.
 4. *Private security signs.* A single sign announcing that a residence is protected by a private security company may be displayed. No sign face shall exceed two square feet in area.
 5. *Alarm or security system signs.* A single sign announcing that a residence has a burglar alarm or other security system installed may be displayed. No sign face shall exceed two square feet in area.

Sec. 44-157 Use regulations.

6. *Political signs.* One or more temporary signs used in connection with political campaigns may be displayed, provided such signs are removed within five days following the conclusion of such campaign. No sign face shall exceed 36 square feet in area and no sign shall exceed eight feet in height.
 7. *Required signs.* Any sign required by the city or any other governmental authority with jurisdiction over the property.
- (4) To be permitted as accessory structures or uses, an unlighted outdoor tennis court or game court must be setback at least 25 feet from the nearest lot line; lighted outdoor tennis courts and game courts must be setback at least 100 feet from the nearest lot line. No more than one tennis court or game court shall be permitted on a lot. Any tennis court or game court shall be buffered by shrubbery or otherwise so as to minimize noise from activities on such court.
- (5) Swimming pools.
- a. *Generally.* An outdoor swimming pool shall be permitted as an accessory use or structure provided that it meets the following requirements:
 1. It must be located in the back or side yard;
 2. It must be setback a minimum of ten feet from the rear lot line, unless the rear lot line of the subject lot abuts the side lot line of another lot, in which case the pool must be setback a minimum of 15 feet from the rear lot line;
 3. It must be setback a minimum 15 feet from any side lot line.
 - b. *Special exceptions.* The board of adjustment may grant a special exception reducing the minimum setback distance to no less than five feet for nonconforming lots as defined in section 44-218(b)(1)b. of this chapter.
 1. In order to grant a special exception the board must find that because the subject lot is of such unusual size or shape, or because it has valuable trees located in the rear or side yards, it would be impractical to locate a reasonably sized pool on the lot without either reducing the minimum setbacks or removing valuable trees.
 2. The board must also find that the granting of a special exception permitting a reduced setback would not be unduly harmful to the owners of the lot or lots abutting the side of the subject lot for which a reduced setback is required. In making such determination the board may consider the location and orientation of any existing improvements on the subject lot and any abutting lots.
 3. The board may condition the granting of a special exception as necessary to protect the interests of abutting property owners and to further the intent of the setback requirements. Conditions may include: a) requiring the applicant to design the pool or related improvements to minimize the impact of its location or use on neighboring property owners; b) requiring the applicant to take necessary measures to protect and maintain any valuable trees that served as a basis for granting the special exception; and c) such other conditions as the board deems necessary.
- (6) Parks, playgrounds, recreational facilities, public services and fire and police services owned by the city or by a public entity acting at the request of the city.
- (7) Uses permitted by specific use permit:
- a. *Personal wireless service facilities.*
 1. Facilities for the provision of personal wireless service, including structures commonly known as cellular towers, and ancillary buildings, equipment and related structures may be allowed in this district following approval of a specific use permit by city council. Provided, however, that no specific use permit for a personal wireless services facility shall be approved if:
 - i. The proposed facility would adversely affect the residential integrity or safety of adjacent or area neighborhoods; or
 - ii. The proposed facility would create visual blight; or
 - iii. The proposed facility would create noise or light pollution; or

Sec. 44-157 Use regulations.

- iv. The proposed facility would create a nuisance to adjacent or area properties.
- 2. Further, in order to obtain a specific use permit for a personal wireless service facility, the applicant must establish that:
 - i. The applicant cannot provide service to the city from other available locations or existing facilities; and
 - ii. The proposed facility would utilize state of the art technology to achieve its objectives; and
 - iii. The proposed facility would comply with all safety standards promulgated by the Federal Communications Commission or other agency having jurisdiction thereover.
- b. *Private recreation club.*
- c. *Public schools.* Subject to appropriate safeguards and conditions.
- d. *Utility substations and pump stations designed to serve some portion of the city.* Subject to appropriate safeguards and conditions.
- e. *Churches:* provided, however, a church shall only be permitted on a tract of land of five acres or more and shall have adequate parking to provide one parking space on church property for each two members or for each two additional members or guests." Subject to appropriate safeguards and conditions.

HISTORY NOTE:

(Ord. No. 340, 6-1, 5-20-1980; Ord. No. 431, 1, 1-26-1988; Ord. No. 573, 5-16-2000; Ord. No. 717, 1, 3-25-2008; Ord. No. 729, 1, 11-18-2008; Ord. No. 2015-869, 1, 10-25-2016)

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Hunters Creek Village, Texas Code of Ordinances Sec. 44-160

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SINGLE-FAMILY RESIDENTIAL DISTRICT***

§ Sec. 44-160 Area regulations.

The following area regulations shall apply in district R:

(1) Size of lot.

- a. *Lot area.* No building shall be constructed on any lot that is less than 22,500 square feet in area. The area of the lot, expressed in square feet, shall not include any portion of the public right-of-way or any private road easement.
- b. *Lot width.* The width of the lot shall be not less than 75 feet at the front building line, nor shall its average width be less than 75 feet.
- c. *Lot depth.* The average depth of the lot shall not be less than 120 feet.
- d. *Exceptions.* Where a lot having less area, width or depth than herein required existed in separate ownership of record on March 25, 1955, the regulations relating to the size of the lot in this section shall not prohibit the erection of a single-family dwelling thereon.

(2) Size of yards.

- a. *Front yard.* There shall be a front yard having a depth of not less than 50 feet.

Where lots have double frontage running through from one street to another, the required front yard shall be provided on both streets. For computation of front yard depth, the building shall not be less than 70 feet minimum from the building to the center of the street, whether public or private, and not less than 50 feet from the edge of the street easement or right-of-way; provided, however, that a front yard on a turn circle shall have a front yard depth not less than 35 feet from the street right-of-way line and not less than 70 feet from the center of a turn circle. Where lots are located at the corner of two streets the required front yard shall be provided on one of the two streets. Once a front yard has been established for a particular lot, it may not be changed unless the Planning & Zoning Commission approves a replat of the lot that establishes a front building line reflecting the desired change. For purpose of this section a front yard is established if:

- i) A front building line is designated on a subdivision plat; or
- ii) A residence has been constructed on the lot.
- b. *Side yard.* There shall be two side yards on each lot, having a combined width of not less than 35 feet; neither of such side yards shall be less than 15 feet in width. A side yard adjacent to a side street shall not be less than 20 feet in width.
- c. *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet.

(3) Size of building.

Sec. 44-160 Area regulations.

- a. *Building area.* The building area, exclusive of outdoor swimming pools, shall not exceed 25 percent of the lot area. Tennis courts, paddle ball and game courts are included in the computation of building area.
- b. *Dwelling area.* Each single-family dwelling must be so designed and constructed that it shall have a minimum space of enclosed living area of 2,000 square feet, exclusive of porches and automobile shelters. At least 1,500 square feet of such enclosed living area shall be contained on the ground floor. Living area shall be computed from the exterior wall surface.

HISTORY NOTE:

(Ord. No. 340, 6-4, 5-20-1980; Ord. No. 666, 1, 4-18-2006; Ord. No. 824, 1, 4-22-2014; Ord. No. 825, 1, 4-22-2014)

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Hunters Creek Village, Texas Code of Ordinances Sec. 44-165

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SINGLE-FAMILY RESIDENTIAL DISTRICT***

§ Sec. 44-165 Home occupations.

- (a) *Authorization.* Home occupations shall be permitted in district R, single-family residential, provided such home occupation is incidental and subordinate to the use of the premises for single-family residential purposes and in compliance with the provisions of this section.
- (b) *Purpose.* To ensure the protection and preservation of the residential character of district R. and to ensure that home occupations do not interfere with the peace and enjoyment of surrounding homes as places of residence, the following regulations are applicable to the conduct of home occupations:
- (1) No home occupation shall result in an increase in the number of motor vehicles parking or traveling to and from the applicable dwelling over that which is customary in a single-family residential neighborhood.
 - (2) No stock in trade shall be stored, displayed or sold on the premises.
 - (3) Only members of the family residing on the premises shall be employed in the home occupation.
 - (4) No mechanical, explosive, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the dwelling or any accessory structure shall be used.
 - (5) Outdoor storage of equipment or material shall be prohibited.
 - (6) The home occupation shall be conducted entirely within the main dwelling unit and the conduct of the home occupation shall not be visible from any street or adjacent property, public or private.
 - (7) No internal or external alterations, special construction, or other similar feature shall be added to the main dwelling unit.
 - (8) No sign or advertising of any type shall be permitted on the premises or by published or printed matter, except as follows:
 - a. Word of mouth by telephone or face-to-face;
 - b. Listing in telephone directories and business journals and directories; and
 - c. Business cards, stationery, and websites.
- (c) *Home occupations permitted.* Subject to the foregoing limitations, examples of permitted home occupations include:
- (1) Artist, writer or craftsman's studio;
 - (2) Dressmaking;
 - (3) Professional practices (such as computer programming, engineering, legal counseling, accounting and court reporting);
 - (4) Music teaching and tutoring of no more than two pupils at one time;

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(5) Babysitting or limited child care for not more than three children unrelated to the person providing the child care.

HISTORY NOTE:

(Ord. No. 677, 1, 1-16-2007)

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Hunters Creek Village, Texas Code of Ordinances Sec. 44-182

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BUSINESS DISTRICT***

§ Sec. 44-182 Use regulations.

The following use regulations shall apply in district B:

(1) Permitted principal uses and structure.

- a. All uses, structures and special exceptions permitted in district R; provided, however, tennis courts and swimming pools are not permitted in district B.
- b. Bakeries, retail only.
- c. Banks.
- d. Florist shops.
- e. Offices and office buildings.
- f. Barbershops, beauty shops, shoe repair shops and indoor restaurants.
- g. Retail stores, provided that no on-site consumption of foods or beverages sold therein shall be permitted.
- h. Any similar uses as determined by the board of adjustment which are not likely to create any more noise, vibration, dust, heat, smoke, odor, excessive light, glare or objectionable influences than the minimum amount normally resulting from other uses permitted.

(2) Uses permitted by specific use permit.

- a. Sexually oriented business, provided that no sexually oriented business shall be allowed to locate within 1,000 feet of another sexually oriented business, a public park, a place of worship, a public or private school or a day-care facility, and provided further that no on-site consumption of foods or beverages sold therein shall be permitted. For purposes of this section, such distance shall be measured between the closest property lines of each property.
- b. Personal wireless service facilities.
 1. Facilities for the provision of personal wireless service, including structures commonly known as cellular towers, and ancillary buildings, equipment and related structures, may be allowed in this district following approval of a specific use permit by city council. Provided, however, that no specific use permit for a personal wireless services facility shall be approved if:
 - i. The proposed facility would adversely affect the residential integrity or safety of adjacent or area neighborhoods; or
 - ii. The proposed facility would create visual blight; or
 - iii. The proposed facility would create noise or light pollution; or

Sec. 44-182 Use regulations.

- iv. The proposed facility would create a nuisance to adjacent or area properties.
- 2. Further, in order to obtain a specific use permit for a personal wireless service facility, the applicant must establish that:
 - i. The applicant cannot provide service to the city from other available locations or existing facilities; and
 - ii. The proposed facility would utilize state of the art technology to achieve its objectives; and
 - iii. The proposed facility would comply with all safety standards promulgated by the Federal Communications Commission, or other agency having jurisdiction thereover.
- (3) *Permitted accessory uses and structures.* Those uses and structures customarily incident to the foregoing uses when located upon the same lot. A sign shall not be allowed as an accessory use or structure, except as hereafter specifically permitted.
- (4) *Prohibited uses and structures.* Any use not permitted under subsection (1) of this section and any use or structure otherwise permitted under subsection (1) of this section that is objectionable because of odor, excessive light, glare, smoke, dust, noise, vibration, litter or similar or other nuisance shall be prohibited in district B.

HISTORY NOTE:

(Ord. No. 340, 7-1, 5-20-1980; Ord. No. 553, 3-16-1999)

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Hunters Creek Village, Texas Code of Ordinances Sec. 44-184

CODE OF ORDINANCES City of HUNTERS CREEK VILLAGE, TEXAS Codified through Ordinance No. 2022-919,
adopted January 25, 2022. (Supp. No. 17)

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> Chapter 44 - ZONING > ARTICLE III. - DISTRICT REGULATIONS > DIVISION 3. DISTRICT B
BUSINESS DISTRICT***

§ Sec. 44-184 Area regulations.

The following area regulations shall apply in district B:

(1) Minimum lot requirements-area, width and depth.

- a. Residential use: Same as district R.
- b. Other use:
 - 1. Lot area: 7,500 square feet.
 - 2. Lot width: 75 feet.
 - 3. Lot depth: 100 feet.

(2) Minimum building line requirements.

- a. Residential use: Same as in district R as set forth in section 44-160(2).
- b. Other use: Buildings shall be a minimum of 35 feet from any street line. A minimum of 15 feet shall be maintained between any building and the business district boundary line; provided, however, a building of less than 15 feet in height with no windows facing a residential area may be located within two feet of a business-residential boundary line.

(3) Maximum lot coverage by all buildings and structures.

- a. Residential use: Same as in district R.
- b. Other use: The building area, including off-street parking spaces and service areas, shall not exceed 90 percent of the lot area.

(4) Minimum size of principal building.

- a. Residential use: Same as in district R.
- b. Other use: 2,000 square feet of permanently enclosed floor space.

HISTORY NOTE:

(Ord. No. 340, 7-3, 5-20-1980)



Hunters Creek Village, Texas Code of Ordinances Sec. 44-189

CODE OF ORDINANCES City of HUNTERS CREEK VILLAGE, TEXAS Codified through Ordinance No. 2022-919,
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BUSINESS DISTRICT***

§ Sec. 44-189 District separation requirements.

- (a) Improved business property in district B shall be separated from contiguous property in residential district R by any one of the following:
 - (1) A screening fence seven feet high, built of brick or stone.
 - (2) A strip of dense natural foliage at least 35 feet in width and at least seven feet in height measured from the boundary line of district B extending into district B.
- (b) No building shall have windows with a view into any property within district R of the city, provided that the board of adjustment may grant an exception to such requirement if it determines that any such window, while it would literally have a view into property within district R of the city, would be unlikely to result in individuals having an actual view through such window into property within district R.

HISTORY NOTE:

(Ord. No. 340, 7-8, 5-20-1980)

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